

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TONY CABAN,)	
)	
Plaintiff,)	
)	
v.)	No. 2021 CV 6622
)	
UNION PACIFIC RAILROAD COMPANY,)	
a Foreign Corporation,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Union Pacific Railroad Company (“Union Pacific”), by and through its undersigned counsel, files this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, of an action filed in the Circuit Court of Cook County, Illinois, County Department, Law Division, entitled “*Tony Caban v. Union Pacific Railroad Company*” now pending there as civil action No. 2021 L 10555. In support of this notice, Union Pacific states as follows:

1. Attached as Exhibit 1 is a true and correct copy of the Complaint on file in the Circuit Court of Cook County. The Complaint was filed on October 28, 2021.
2. Union Pacific was served with the Summons and Complaint on November 10, 2021. A true and correct copy of the papers served upon Union Pacific are attached to this filing as Exhibit 2.
3. No appearances have been filed by Defendant in the state court action. No other pleadings or orders have been entered in the pending state court action. A copy of this Notice of Removal will be promptly served upon Plaintiff and filed with the clerk of the state court.
4. Plaintiff’s Complaint seeks recovery under a premises liability theory.
5. On information and belief, Plaintiff is a resident of the State of Illinois.

6. Union Pacific's principal place of business is in Omaha, Nebraska. It is incorporated in the State of Delaware.

7. Plaintiff's complaint seeks recovery for injuries allegedly suffered and damages. On information and belief, the amount in controversy, exclusive of interest and costs, is in excess of the jurisdictional requirement.

8. By virtue of the diversity of citizenship between the parties and the amount in controversy, this Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332(a) and (c) and, therefore, Defendant is entitled to remove this action pursuant to 28 U.S.C. §1441(a) and (b).

9. This Notice of Removal has been filed within 30 days after receipt of the summons and complaint, which were first received by Union Pacific on or after November 10, 2021. The Notice of Removal is therefore timely under 28 U.S.C. §1446(b).

WHEREFORE, Defendant Union Pacific Railroad Company prays that civil action No. 21 L 10555 now pending in the Circuit Court of Cook County, Illinois, be removed to the United States District Court for the Northern District of Illinois, Eastern Division.

Dated: December 10, 2021

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

By: s/ Jamie V. Harrmann
Jamie V. Harrmann

Jamie V. Harrmann, #6320754
Attorney for Defendant
Union Pacific Railroad Company
123 North Wacker Drive, Suite 2550
Chicago, IL 60606
Tel: 312.777.2057
Fax: 877.213.4433
jamie.harrmann@up.com

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the above and foregoing instrument was properly forwarded to all counsel of record as listed below by:

- ☐ United States Mail, postage prepaid and sealed;
- ☐ United States Certified Mail, postage prepaid and return receipt requested;
- ☐ Hand Delivery;
- ☐ UPS / Next Day Air;
- ☐ Facsimile Transmission;
- ☒ Electronic Filing (USDC, Northern District, IL); and/or
- ☐ Email (pdf)

on December 10, 2021.

Tomas Cabrera
Morici, Longo & Associates
730 West Randolph Street, 6th Floor
Chicago, IL 60661
(312) 372-9600
favela@moricilongo.com



Jamie V. Harrmann